

# Notice of Allowability

Application No.

10/033,175

Examiner

Devesh Khare

Applicant(s)

SEEBERGER ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/10/2005.
2. ☒ The allowed claim(s) is/are 1,23 and 42-45.
3. ☒ The drawings filed on 09 June 2003 are accepted by the Examiner. ✓
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/21/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

Art Unit: 1623

The amendment after final and remarks received on 02/10/2005 have been entered.

The finality of the Office Action mailed on 12/03/2004 has been withdrawn. Claims 2-22 and 24-41 have been cancelled. Claim 23 has been amended.

The objection made in the Office Action dated 12/03/2004 has been overcome through applicants' amendment to the claim.

The examiner withdraws the 35 U.S.C. 103(a) rejections of claims 1,23 and 45, as being unpatentable over Sabesan in response to applicant's remarks that the Sabesan reference neither teaches nor suggests the sets of variables represented by structure 1 of the present invention.

The terminal disclaimer filed over prior U.S. Patent No. 6,323,339 for claims 42-44 has been approved.

Claims 1,23 and 42-45 are currently pending in this application.

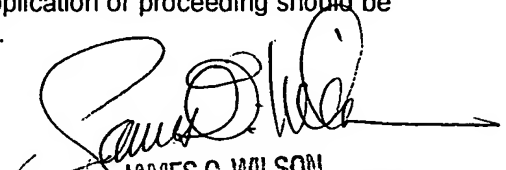
Claims 1,23 and 42-45 are allowed.

2. The following is an examiner's statement of reasons for allowance: Claims 1,23 and 45 are drawn to optionally substituted glycosyl phosphate compounds of formula 1 and 2 (claims 1 and 45) wherein "O" is linked at C-1 and a method for synthesizing the same, is not taught or fairly suggested by the prior art of the record.

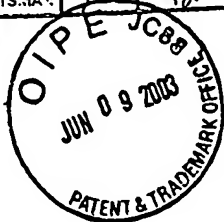
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1235.

Devesh Khare, Ph.D.,J.D.  
Art Unit 1623  
April 14, 2005

  
JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1800

APPROVED	C. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN	626	124



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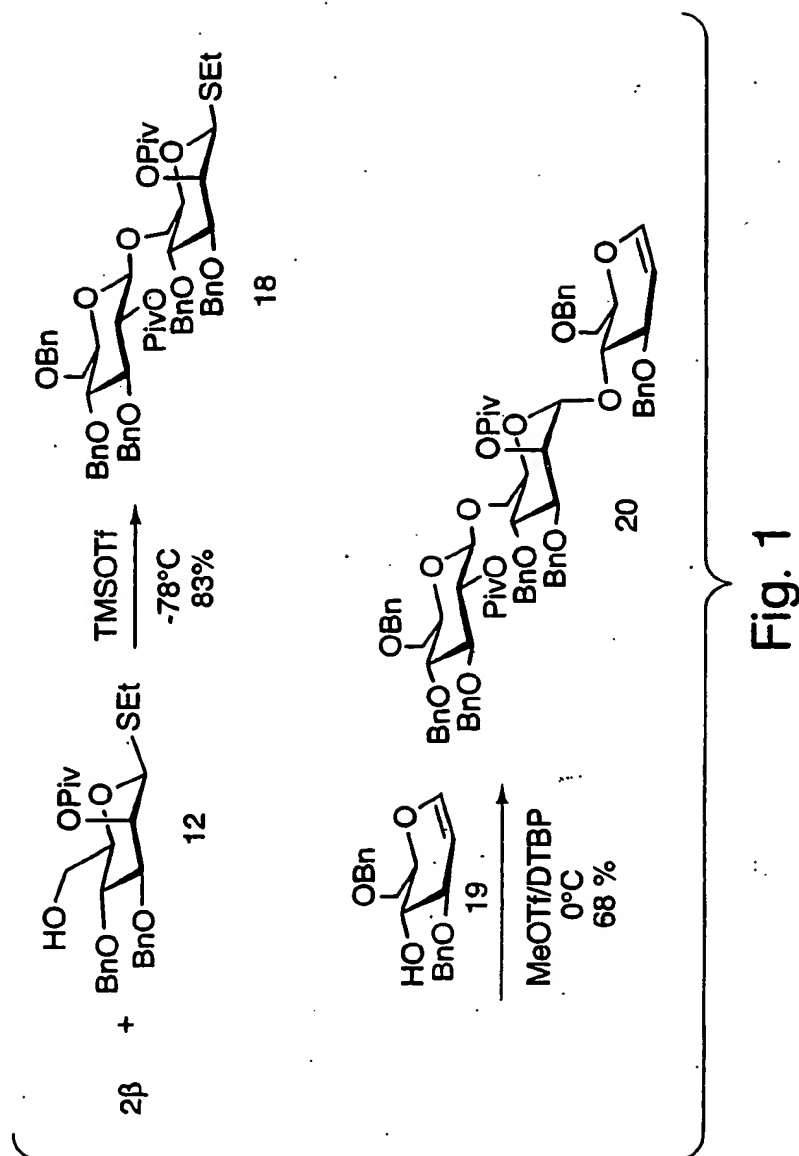
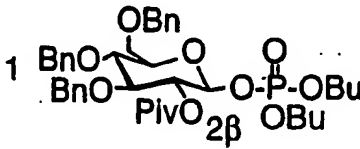
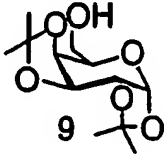
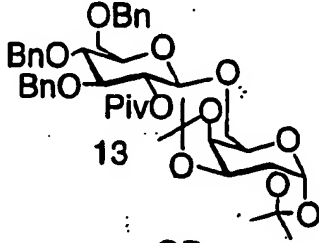
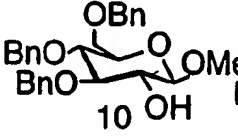
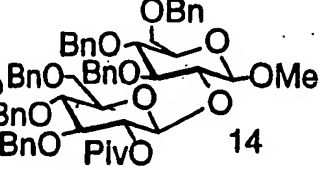
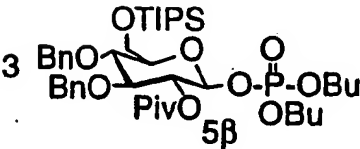
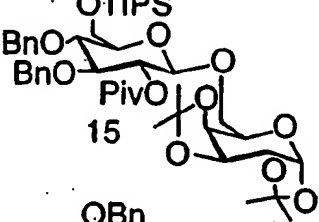
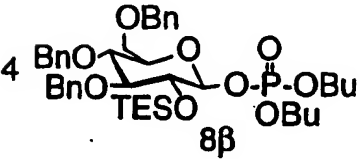
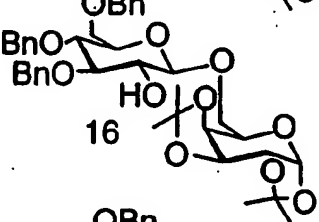
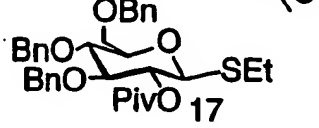
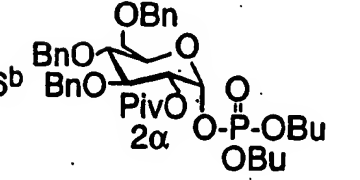


Table 2. Glycosylations Using Glycosyl Phosphates and Trimethylsilyltriflate.<sup>a</sup>

Entry	Glycosyl Donor	Glycosyl Acceptor	Product	Yield
1				94
2	2β			83
3		9		82
4		9		71
5	2β	HS-11		90
6 <sup>b</sup>		9	13	87
7 <sup>b</sup>	2α	10	14	73
8 <sup>b</sup>	2α	11	17	70

<sup>a</sup>Glycosylations were carried out with 1.2 equiv donor, 1.0 equiv acceptor and 1.2 equiv TMSOTf in dichloromethane at -78°C.

<sup>b</sup>Reaction was carried out at -20°C.

Fig. 2



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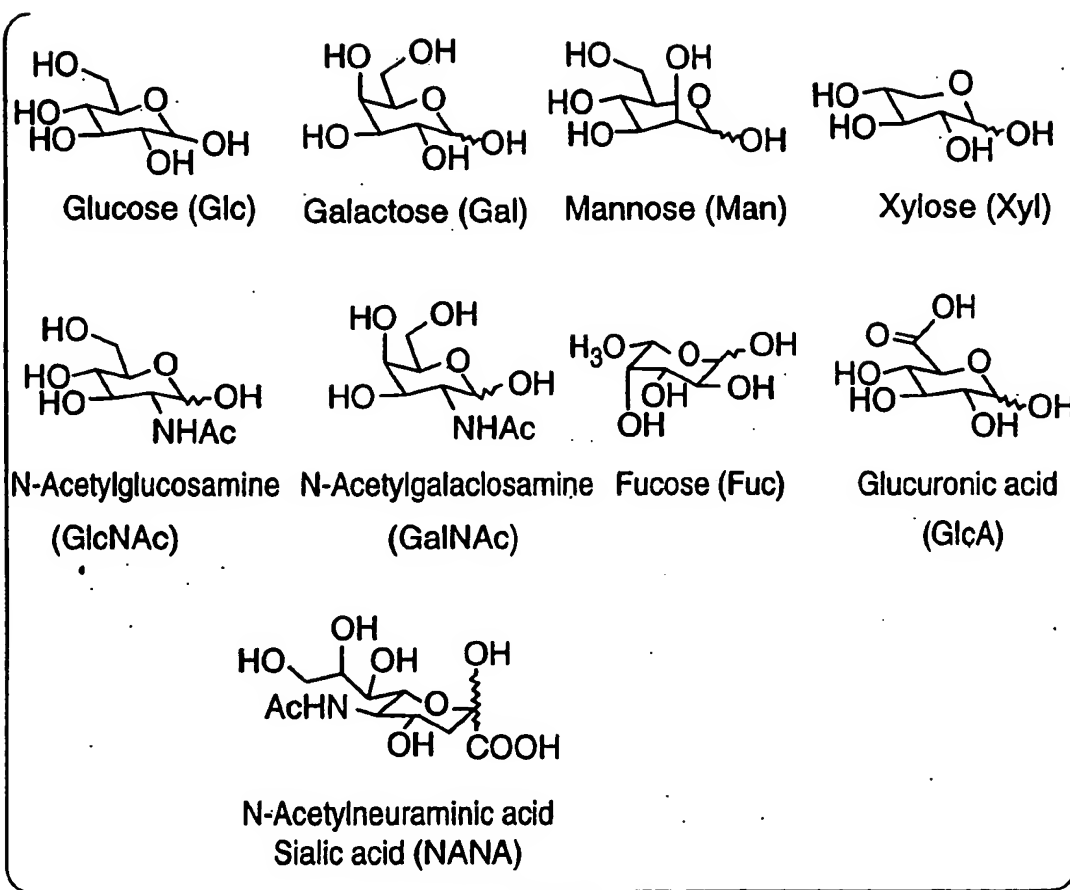
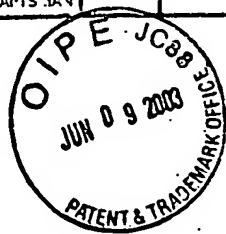
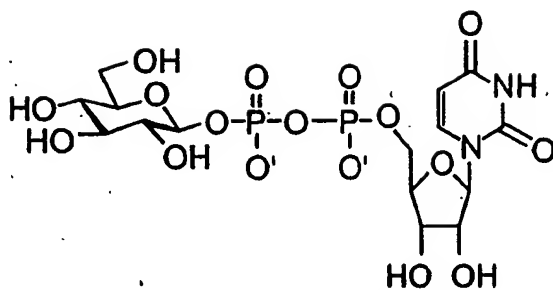


Fig. 3

APPROVED	C. FIG.	
BY	CLASS	SUBCLASS
DRAFTSMAN		



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UDP-Glucose

Fig. 4

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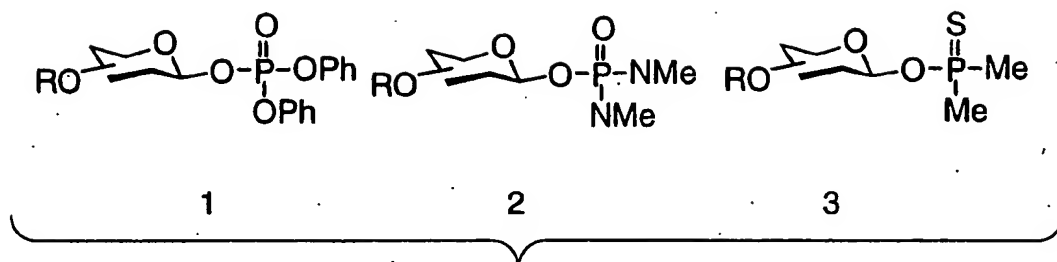
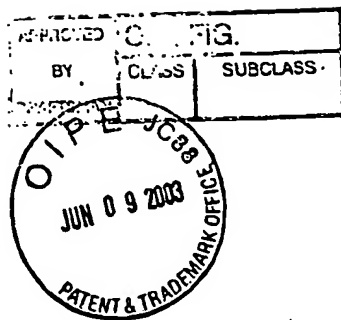
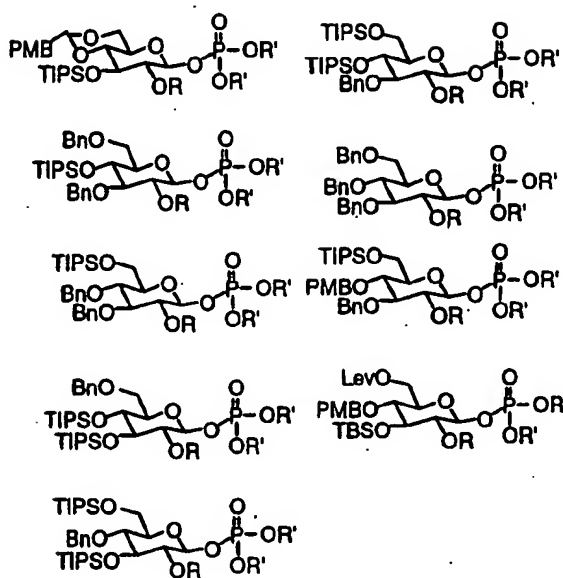


Fig. 5

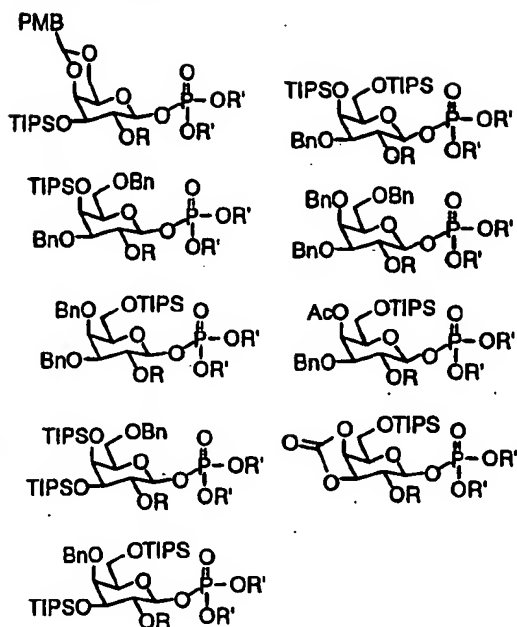


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### Glucose



### Galactose



### Lactose

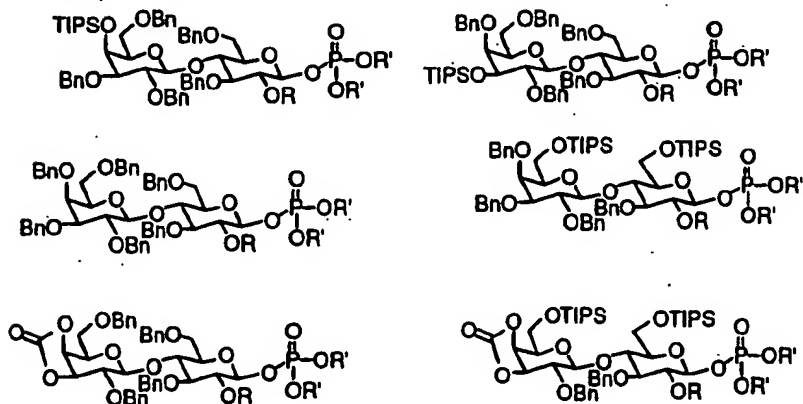


Fig. 6



BY:	CLASS	SUBCLASS



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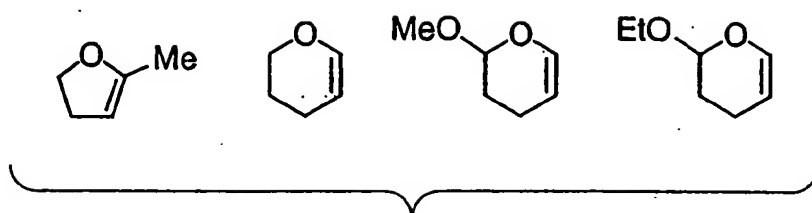


Fig. 7

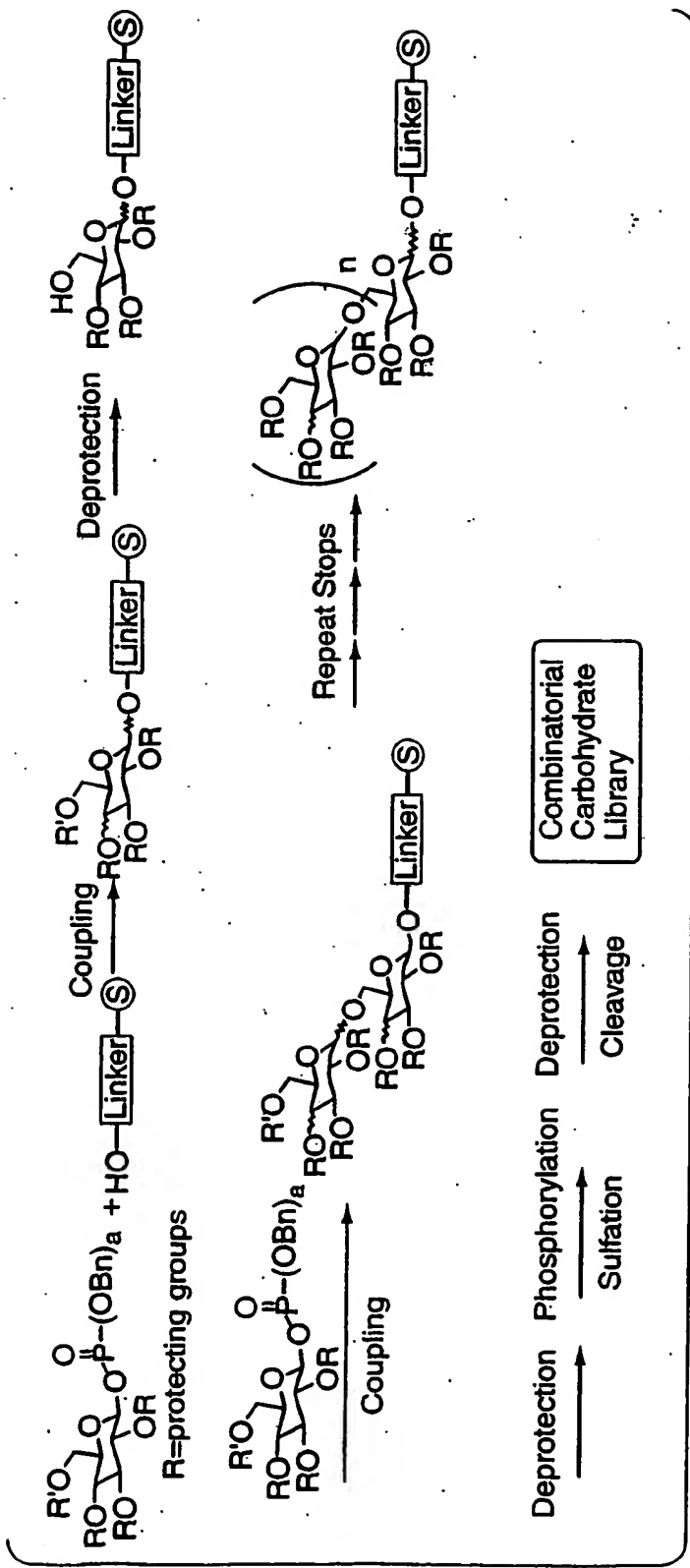


Fig. 8

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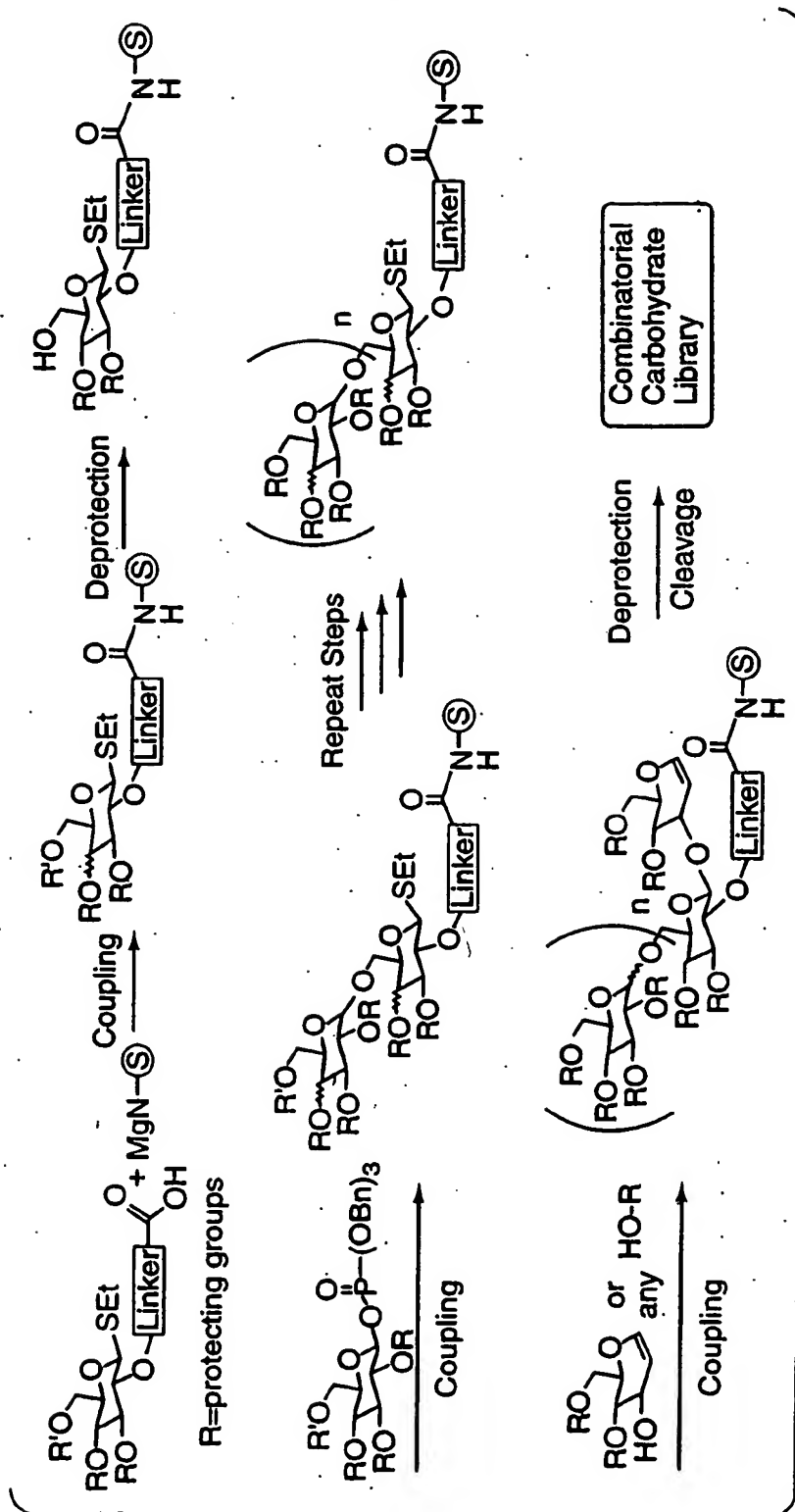


Fig. 9